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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,132	01/20/2004	Michiaki Sasaki	50195-411	6666

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McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

ZANELLI, MICHAEL J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,132

Applicant(s)

SASAKI ET AL.

Examiner

Michael J. Zanelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/20/04</u> <i>6/30/04</i> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The application filed 1/20/04 has been examined. Claims 1-11 are currently pending.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The IDS filed 1/20/04 has been considered.
4. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. As per claim 9, "the positive electrode and the negative electrode of the ion generator" lacks antecedence. Note this limitation is introduced in claim 7.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi (JP2002178859) in view of Yehl et al. (EP0380037A3).

A. As per claims 1, 2 and 11, Tatsumi discloses a vehicular neutralization apparatus as essentially shown in Figs. 1 and 2 which comprises an ion generator (8) and a controller (7) which operate to generate ions into the vehicle passenger compartment in order to neutralize static electricity. As shown in Fig. 2, the ion generator(s) may be disposed in various locations in and around the vehicle in order to interact with passengers as they enter/exit the vehicle (Abs). The claimed invention differs only in the location of the ion generator; namely, in the roof or vicinity of the roof of the vehicle. Tatsumi shows placing ion generators around the door handles, ignition switch and/or window frame. However, at paragraph [0050] Tatsumi states that the disclosed invention is not limited to locating the ion generator(s) as specifically shown, but may be located at other parts of the vehicle relative to entering/exiting the vehicle. One of ordinary skill in the art would have been motivated to locate the ion generator(s) at other locations in the vehicle.

B. Yehl discloses an apparatus for controlling the generation of ions into the passenger compartment of a vehicle whereby the ion generator(s) may be located in the roof area of the vehicle (Fig. 1A). As noted in col. 6, line 55 to col. 7, line 5, the ion generator may be positioned in the roof area to maximize impingement on the vehicle passenger. It would have obvious to one of ordinary skill in the art to locate the ion generator(s) in other areas of the vehicle as suggested by Tatsumi, including the roof area of the vehicle as taught by Yehl.

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C. As per claims 3 and 4, as above whereby Tatsumi discloses providing various sensors for detecting the occupant getting on and off the vehicle, including door handle sensors, seat sensors, ignition sensors, etc. (Abs.; [0017]).

D. As per claims 5 and 6, as noted above whereby Tatsumi discloses that one can locate the ion generator(s) in other parts of the vehicle where contact between the occupants and generated ions occurs as the occupants enter/exit the vehicle. Again, Yehl suggests placing ion generators in the roof area to maximize impingement with the occupants.

E. As per claims 7-9, as above whereby Tatsumi discloses providing positive and negative electrodes [0024] whereby the mounting and spacing of the electrodes would have been dependent on the type of vehicle and maximum efficiency.

F. As per claim 10, as above whereby Tatsumi discloses operating the ion generators for a time interval after entering/exiting the vehicle [0026].

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

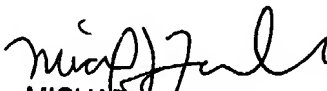
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969. The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz


MICHAEL J. ZANELLI
PRIMARY EXAMINER